

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/724,323	JENKINS ET AL.
	Examiner	Art Unit
	Kiet Doan	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 06/27/05.
2.  The allowed claim(s) is/are 1-46 have been renumbered 1-37 respectively.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review ( PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

This office action is response to amendment file on 06/27/2005.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jonathan M. Lindsay at 949-263-8400 on 11/01/05.

The application has been amendment as follow:

Claims 2-4, 18-20, 34-36 are cancelled.

**Claim 1.** A network comprising: a first network node; and, a second network node to wirelessly communication with said first network node, wherein said first network node securely transmits communication signals to said second network node using one or more spatial parameters unique to said second network node, wherein

said one or more spatial parameters include at least one of a position parameter and a velocity parameter,

said communication signals are decodable by said second network node only when said one or more spatial parameters match a corresponding spatial characteristic of said second network node,

said communication signals sent from said first network node to said second network node are encrypted using said one or more spatial parameters, and wherein said communication signals may be decrypted by said second network node using one or more corresponding spatial characteristics of said second network node.

**Claim 17.** A positioning device coupled to a network, comprising:

a receiver portion;

a transmitter portion;

a processor coupled to the receiver portion and transmitter portion; and

a memory coupled to the processor to store one or more instruction sequences, said instruction sequences to cause the positioning device to communicate wirelessly with a second positioning device by securely transmitting communication signals to said second positioning device using one or more spatial parameters unique to said second network node, wherein

said one or more spatial parameters include at least one of a position parameter and a velocity parameter,

said communication signals are decodable by said second positioning device only when said one or more spatial parameters match a corresponding spatial characteristic of said second positioning device,

said communication signals are decodable by said second positioning device only when said one or more spatial parameters match a corresponding spatial characteristic of said second positioning device.

**Claim 33.** A method comprising:

encoding communication signals using one or more spatial parameters unique to a second network node;

transmitting said communication signals from a first network node to the second network node, said first and second network nodes to comprise a wireless network;

receiving said communication signals by said second network node; and

decoding said communication signals by said second network node when said one or more spatial parameters match a corresponding spatial characteristic of said second network node, wherein

said one or more spatial parameters include at least one of a position parameter and a velocity parameter,

comprising encoding said communication signals using a position, velocity, time (PVT) calculation,

generating a new signal using said PVT calculation, where said new signal can only be demodulated by a recipient node that is located in an intended position.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

The prior art record, Farsakh (Patent No. 6,317,612) teaches a network comprising: a first network node; and,

a second network node to wirelessly communicate with said first network node, wherein said first network node securely transmits communication signals to said second network node using one or more spatial parameters unique to said second network node (Abstract, 7, L7-67, Fig.1 Illustrate as communication between first/second node).

However, Farsakh fails to suggest or fairly teach wherein said one or more spatial parameters include at least one of a position parameter and a velocity parameter,

said communication signals are decodable by said second network node only when said one or more spatial parameters match a corresponding spatial characteristic of said second network node,

said communication signals sent from said first network node to said second network node are encrypted using said one or more spatial parameters, and wherein said communication signals may be decrypted by said second network node using one or more corresponding spatial characteristics of said second network node as substantially connected and specific detail including all limitations as particularly recited in claims 17 and 33.

Claims 5-16, 21-32 and 37-46 are allowed as being dependent on the independent claim 1, 17 and 33.

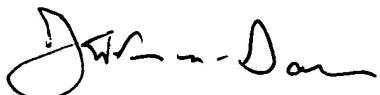
***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



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